

Docket No.: PW-1CPA

Serial No.: 09/430,906

In the claims:

1. (currently amended) An ingestible, chewable, or aqueous soluble non-toxic capsule containing ~~5~~ 50 milliliters of an ethanol composition to facilitate transport, storage, delivery and consumption of recreationally relevant quantities of such alcohol composition, wherein said ethanol composition ~~comprises wine or distilled spirits comprises comprising a 5 percent of~~ ethanol or more ethanol concentration.

2. (cancelled)

3. (cancelled)

4. (previously amended) The capsule according to claim 1 wherein said capsule is soluble, swells, softens, bursts, becomes permeable, or ruptured when contacted with aqueous solutions.

5. (previously amended) The capsule according to claim 1 in the shape of spheres, ellipses, elongated tubes, sports mascots, logos, sporting goods, animals and humans or portions thereof composed of gelatin, alginate, xanthan gum, guar gum chitin, chitosin, gellan gum, agar, carrageenan, albumin, starch, carboxymethylcellulose (CMC) or mixtures thereof.

6. (cancelled)

7. (cancelled)

8. (cancelled)

9. (currently amended) The capsule according to claim ~~6~~ 1 wherein said ~~alcohol~~ ethanol composition is between 25% to 70% ethanol.

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10. (currently amended) The capsule according to claim 6 wherein said ~~alcohol~~ ethanol composition is between 40% and 50% ethanol or 50% and 70% ethanol.
11. (cancelled)
12. (cancelled)
13. (previously amended) The capsule according to claim 1, wherein said capsule comprises a non-toxic, flexible material as the encapsulant to deliver the ethanol composition for recreation purposes.
- 14 (currently amended) The capsule according to claim 13 wherein the ~~encapsulating material~~ encapsulant is digestable
15. (previously amended) The capsule according to claim 14 designed for breakage, crushing, or dissolving in the consumer's mouth.
16. (original) The capsule according to claim 15 wherein said capsule is coated with a sugar coating, a flavored coating, a water impermeable coating, a wax coating, a coating which prevents evaporation, or a coating which combines these coatings.
17. (cancelled)
18. (cancelled)
19. (cancelled)
20. (cancelled)

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21. (previously amended) The capsule according to claim 1 wherein the encapsulating material is capable of sustaining 5 percent or more ethanol concentration within the internal compartment, without dissolution into the ethanol.

22. (original) The capsule according to claim 21 wherein said encapsulating material is sufficient to sustain packaging and storage for from several minutes to several months.

23. (original) The capsule according to claim 22 comprising sufficient concentrations of gelatin included in the encapsulating material to form said encapsulating material, or wherein the molecules constituting the gelatin capsule are cross-linked with a cross-linking agent.

24. (original) The capsule according to claim 23 wherein said gelatin is cross-linked with glutaraldehyde.

25. (cancelled)

26. (cancelled)

27. (cancelled)

28. (cancelled)

29. (cancelled)

30. (cancelled)

31. (cancelled)

32. (cancelled)

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33. (previously amended) The capsule according to claim 1 wherein the alcoholic composition is a wine, spirit, mixed drink, brandy, flavored alcohol, tequila, vermouth, gin, vodka, or a mixture thereof.

34. (cancelled)

35. (cancelled)

36. (cancelled)

37. (cancelled)